

Terence O'Connor  
June 20, 2024

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON  
June 20, 2024

EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as an	)	
individual and as guardian ad	)	
litem, on behalf of S.M., a	)	Civil No.
minor,	)	6:20-cv-01163-MK
	)	(Lead Case)
Plaintiffs,	)	
	)	
v.	)	VIDEOCONFERENCE
	)	DEPOSITION
MARK DANNELS, PAT DOWNING,	)	
SUSAN HORMANN, MARY KRINGS,	)	
KRIS KARCHER, SHELLY MCINNES,	)	
RAYMOND MCNEELY, KIP OSWALD,	)	
MICHAEL REAVES, JOHN RIDDLE,	)	
SEAN SANBORN, ERIC	)	
SCHWENNINGER, RICHARD WALTER,	)	
CHRIS WEBLEY, ANTHONY WETMORE,	)	
KATHY WILCOX, CRAIG ZANNI,	)	
DAVID ZAVALA, JOEL D. SHAPIRO	)	
AS ADMINISTRATOR OF THE ESTATE	)	
OF DAVID E. HALL, VIDOCQ	)	
SOCIETY, CITY OF COQUILLE, CITY	)	
OF COOS BAY, and COOS COUNTY,	)	
Defendants.	)	
	)	
VIDOCQ SOCIETY,	)	
Cross-Claimant,	)	
	)	
v.	)	
	)	
MARK DANNELS, PAT DOWNING,	)	
SUSAN HORMANN, MARY KRINGS,	)	
KRIS KARCHER, SHELLY MCINNES,	)	
RAYMOND MCNEELY, KIP OSWALD,	)	
MICHAEL REAVES, JOHN RIDDLE,	)	
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SCHWENNINGER, RICHARD WALTER,	)	
CHRIS WEBLEY, ANTHONY WETMORE,	)	
KATHY WILCOX, CRAIG ZANNI,	)	
DAVID ZAVALA, JOEL D. SHAPIRO	)	
AS ADMINISTRATOR OF THE ESTATE	)	
OF DAVID E. HALL, VIDOCQ	)	
SOCIETY, CITY OF COQUILLE, CITY	)	

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<p style="text-align: right;">Page 2</p> <p>1 OF COOS BAY, and COOS COUNTY, ) Cross-Defendants. ) 2 ) NICHOLAS JAMES MCGUFFIN, as an ) Civil Case No. 3:21-cv-01719-MK 3 individual and as guardian ad ) litem, on behalf of S.M., a ) 4 minor, ) Plaintiffs, ) 5 ) v. ) 6 ) OREGON STATE POLICE, ) 7 Defendant. ) _____) 8 9 10 11 DEPOSITION UPON ORAL EXAMINATION 12 13 OF TERENCE O'CONNOR 14 15 BE IT REMEMBERED THAT, pursuant to the Oregon Rules of 16 Civil Procedure, the deposition of TERENCE O'CONNOR was taken 17 remotely via videoconference on behalf of the Plaintiffs, 18 before JEAN M. KOSTNER, a Certified Court Reporter for Oregon, 19 on Thursday, the 20th day of June, 2024, at the hour of 20 9:00 a.m., in the State of Oregon. 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 Meredith Sawyer HWS LAW GROUP 2 101 Southwest Main Street, Suite 1605 Portland, Oregon 97204 (206) 262-1200 msawyer@hwsllawgroup.com 3 (Representing Vidocq Society) 4 Laura Coffin, OSB #075825 for Eric S. DeFreest, OSB #920475 5 LUVVAAS COBB 777 High Street, Suite 300 6 Eugene, Oregon 97401 (541) 484-9292 edefreest@luvaascobb.com 7 (Representing Richard Walter) 8 9 10 ALSO PRESENT: 11 Mark Williamson 12 13 REPORTED BY: 14 Jean M. Kostner, CSR #90-0051 Subcontractor for: US LEGAL SUPPORT 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES 2 3 ON BEHALF OF THE PLAINTIFFS: 4 David B. Owens LOEVY &amp; LOEVY 100 South King Street, Suite 100 5 Seattle, Washington 98104 (312) 590-5449 david@loevy.com 6 Andrew C. Lauersdorf, OSB #980739 Janis C. Puracal, OSB #132288 7 MALONEY LAUERSDORF REINER, PC 1111 East Burnside Street, Suite 300 8 Portland, Oregon 97214 (503) 245-1518 acl@mrlrlegalteam.com 9 jcp@mrlrlegalteam.com 10 11 ON BEHALF OF THE DEFENDANTS: 12 Sarah R. Henderson, OSB #153474 LAW OFFICE OF ROBERT E. FRANZ, JR. 13 Post Office Box 62 Springfield, Oregon 97477 14 (541) 741-8220 shenderson@franzlaw.comcastbiz.net 15 (Representing City of Coquille, City of Coos Bay, Coos County, Craig Zanni, Chris Webley, Eric 16 Schwenninger, Sean Sanborn, Ray McNeely, Kris Karcher, Pat Downing, Mark Dannels, Kip Oswald, 17 Michael Reaves, David Zavala, Anthony Wetmore, Shelly D. McInnes) 18 19 Todd Marshall, OSB #112685 OREGON DEPARTMENT OF JUSTICE 100 Southwest Market Street 20 Portland, Oregon 97201 (971) 673-1880 21 todd.marshall@doj.state.or.us (Representing Oregon State Police, John Riddle, 22 Susan Hormann, Mary Krings, Kathy Wilcox) 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 INDEX OF TESTIMONY 2 3 WITNESS PAGE 4 TERENCE O'CONNOR 5 Examination by Mr. Owens . . . . . 7 6 Further Examination by Mr. Owens . . . . . 56 7 Examination by Ms. Coffin . . . . . 57 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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<p>Page 6</p> <p>1 INDEX OF EXHIBITS</p> <p>2</p> <p>3 DEPOSITION Terence O'Connor June 20, 2024</p> <p>4 EXHIBIT NO. DESCRIPTION</p> <p>5 1 Notice of Deposition (17 pages) 8</p> <p>6 2 Responses and Objections to Plaintiff's First Revised FRCP 30(b)(6) Notice and 7 FRCP 34 Request for Production of Documents (137 pages) 12</p> <p>8</p> <p>9 3 2007 Coquille Police Department Policy Manual (346 pages) 24</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 8</p> <p>1 (Document marked for identification as Deposition.</p> <p>2 Exhibit 1.)</p> <p>3 MS. HENDERSON: Just FYI, before you jump in,</p> <p>4 David, we're having a weird issue on Terence's computer, so I</p> <p>5 may just -- I'm just putting mine in front of him so he can</p> <p>6 see.</p> <p>7 MR. OWENS: Okay.</p> <p>8 MS. HENDERSON: We still have audio, but we don't</p> <p>9 have --</p> <p>10 MR. OWENS: Yeah.</p> <p>11 MS. HENDERSON: -- video for some reason.</p> <p>12 MR. OWENS: Okay. All right.</p> <p>13 MR. MARSHALL: Fun times.</p> <p>14 MR. OWENS: Okay.</p> <p>15 THE WITNESS: I can look forward, then.</p> <p>16 MR. OWENS: Okay. Great.</p> <p>17 BY MR. OWENS:</p> <p>18 Q. So as I mentioned, you're going to be providing</p> <p>19 testimony today under oath on behalf of the City of Coquille on</p> <p>20 the topics that you've been designated to provide testimony</p> <p>21 for. Correct?</p> <p>22 A. Correct.</p> <p>23 Q. And I just want to show you Exhibit 1, which is the</p> <p>24 notice of deposition, which I'll also share in the chat for all</p> <p>25 counsel so they have a copy of that.</p>
<p>Page 7</p> <p>1 TERENCE O'CONNOR,</p> <p>2 called as a witness on behalf of the Plaintiffs, having been</p> <p>3 first duly sworn to tell the truth, the whole truth, and</p> <p>4 nothing but the truth, was examined and testified as follows:</p> <p>5 THE WITNESS: Yes.</p> <p>6 EXAMINATION</p> <p>7 BY MR. OWENS:</p> <p>8 Q. Good morning, sir. Could you state and spell your</p> <p>9 name for the record, please.</p> <p>10 A. My name is Terence O'Connor, spelled.</p> <p>11 T-E-R-E-N-C-E; last name O'Connor, O, apostrophe, C-O-N-N-O-R.</p> <p>12 Q. And you understand that you're here to provide</p> <p>13 testimony today as the corporate designee on certain topics for</p> <p>14 the City of Coquille. Correct?</p> <p>15 A. Correct.</p> <p>16 Q. And we'll go ahead and just mark this as Exhibit</p> <p>17 Number 1. And since we're doing this on -- via Zoom, the way</p> <p>18 that exhibits work is I'll show you them on my screen after</p> <p>19 marking them, and I'll put them in the chat as well to send to</p> <p>20 other folks. But because it's a technological issue</p> <p>21 electronically and I'm not particularly good at technology, if</p> <p>22 there are any issues you have with wanting me to zoom in or</p> <p>23 zoom out on a document or to scroll up or down, let -- feel</p> <p>24 free to let me know. Okay?</p> <p>25 A. Okay.</p>	<p>Page 9</p> <p>1 All right. Mr. O'Connor, are you able to see that?</p> <p>2 A. Yes.</p> <p>3 Q. Got it. And I'm not going to go through all 17</p> <p>4 pages of it now unless you would like me to, but is this a</p> <p>5 document that you're familiar with and prepared to provide</p> <p>6 testimony about some of the topics contained herein?</p> <p>7 A. Yes.</p> <p>8 Q. Great. And what did you do to prepare for this</p> <p>9 deposition today?</p> <p>10 A. Essentially I was given some documents from</p> <p>11 testimony that had already been provided by Officer Sanborn,</p> <p>12 Chief Reaves, and Chief Dannels.</p> <p>13 Q. Okay. Did you read the testimony that had been</p> <p>14 provided to you?</p> <p>15 A. I did not -- I did not read all gazillion pages that</p> <p>16 were composed. I just referenced a few sections just to get a</p> <p>17 feel for, you know, what kind of questions might be asked to</p> <p>18 get the ol' -- get the ol' brains working.</p> <p>19 Q. Fair enough. And you mentioned three different</p> <p>20 deposition transcripts, and that was of former Chief Reaves.</p> <p>21 Is that right?</p> <p>22 A. Correct.</p> <p>23 Q. And then former Chief Dannels. Is that correct?</p> <p>24 A. Correct.</p> <p>25 Q. And who was the third one? I missed it.</p>

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<p style="text-align: right;">Page 14</p> <p>1 testimony that was provided in the excerpts that we just went  2 over in Exhibit 2?</p> <p>3 A. No, I have not.</p> <p>4 Q. Did you talk to former Officer Sanborn about the  5 testimony that was provided to you that was highlighted in  6 Exhibit Number 2?</p> <p>7 A. No, I have not.</p> <p>8 Q. Are there any other steps or aspects of what you  9 did to prepare for this deposition today that you haven't told  10 me about already?</p> <p>11 A. No. I've told you everything I've done.</p> <p>12 Q. Got it. And just to get us on the same page, what  13 was your -- what's been your experience, just generally, as an  14 employee for the City of Coquille?</p> <p>15 A. Generally I was employed as the city manager from  16 about I think it was March of 2000 until 2010.</p> <p>17 Q. Okay. Do you know who the city manager became  18 after you left?</p> <p>19 A. Uh, gosh. Yeah. It was a fellow that's now in  20 Pennsylvania. I can't remember his name.</p> <p>21 Q. Hm.</p> <p>22 A. Young fellow. Well, he was young at that time.</p> <p>23 Q. Got it. So as I understand it -- well, let me just  24 ask it this way. In any of the deposition transcripts that you  25 read or were provided in advance of the deposition today, was</p>	<p style="text-align: right;">Page 16</p> <p>1 would have been the chief of police. Is that correct?</p> <p>2 A. That is correct.</p> <p>3 Q. All right. Who was the chief of police in 2000?</p> <p>4 A. 2000 was Mike Reaves.</p> <p>5 Q. Okay. And I believe that Mr. Dannels became the  6 chief in August of 2008. Is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. And was he the chief throughout beyond 2011?</p> <p>9 A. No. He -- he left to go back to Arizona before  10 that time. Just prior to that. I believe it might have been  11 2010 or thereabouts. Maybe the latter half of 2010.</p> <p>12 Q. Okay. Who was the chief at the latter half of 2010  13 and into 2011?</p> <p>14 A. Um, it would have been the captain at that time. I  15 promoted her. Her name is Janice -- Janice Blue. She followed  16 Mark Dannels.</p> <p>17 Q. And was the last name Blue?</p> <p>18 A. I believe that's correct.</p> <p>19 Q. B-L-U-E?</p> <p>20 A. B-L-U-E.</p> <p>21 Q. Thank you. So as the city manager, what type, if  22 any, of oversight did that person have in 2000 over the  23 Coquille Police Department?</p> <p>24 A. City manager's responsibility for oversight of the  25 police department essentially started and ended with the police</p>
<p style="text-align: right;">Page 15</p> <p>1 there anything that you noticed, even if you didn't read all of  2 it for content, that you disagreed with?</p> <p>3 A. No.</p> <p>4 Q. Was there anything that stood out to you as  5 inaccurate?</p> <p>6 A. No.</p> <p>7 Q. Was there anything that you thought was a  8 misrepresentation?</p> <p>9 A. Nothing that -- no.</p> <p>10 Q. All right. So I'm going to go back to Exhibit  11 Number 1. And we're going to just go through and discuss some  12 of the topics that haven't been designated, and I'm going to  13 try to -- my best to not repeat questions that were asked in  14 those 137 pages. But I don't have encyclopedic knowledge of  15 them and also it may be necessary for us to get on the same  16 page so I can ask follow-up questions. Okay?</p> <p>17 A. Okay.</p> <p>18 Q. All right. And so I just want to make sure that  19 we're on the same page, that in 2000 and through 2011 the City  20 of Coquille had a police department that was about eight police  21 officers. Is that correct?</p> <p>22 A. I believe it varied between like six and eight  23 depending on employee's circumstances, yes.</p> <p>24 Q. And that the person responsible for making policy  25 for the Coquille Police Department during that period of time</p>	<p style="text-align: right;">Page 17</p> <p>1 chief. He was the department head for -- for that unit of the  2 city, and my requirements -- or I guess my responsibilities  3 were with him and was not involved in any day-to-day or  4 organizational operations as much as they existed on a -- on a,  5 shall we say, macro level. I didn't delve into the management  6 of the department itself, only with the chief and the broader  7 policy questions as the department related to the city.</p> <p>8 Q. Okay. There was testimony in those pages that the  9 City at some point moved from a policy manual that had been --  10 that was on its own that had been generated to a policy manual  11 that had been prepared by Lexipol. Are you familiar with that  12 transition?</p> <p>13 A. Yes.</p> <p>14 Q. Can you tell me --</p> <p>15 A. Maybe not completely, not necessarily, but yes, I  16 remember that time period.</p> <p>17 Q. Got it. And just one thing I should have mentioned  18 earlier, Mr. O'Connor, is that it's very important that we only  19 have one person talking at a time. So I'm going to ask you  20 some questions that are very obvious that you're going to be  21 very familiar with --</p> <p>22 A. Okay.</p> <p>23 Q. -- and in normal conversation it would be natural  24 for you to be, like, oh, I know what he's asking me and to just  25 start answering, and it wouldn't be rude at all. And so I'm</p>

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<p>1 made at city council meetings?</p> <p>2 A. Yes.</p> <p>3 Q. If complaints were made about the quality of police</p> <p>4 work at a city council meeting, were there any formal</p> <p>5 procedures for what would happen in investigating or inquiring</p> <p>6 about those complaints?</p> <p>7 A. Depending upon the nature of the complaint, it</p> <p>8 would be passed to me to provide a response to the council, if</p> <p>9 they wanted additional information on that particular matter;</p> <p>10 in which case I would then get with the police department to</p> <p>11 ascertain whether what was being said was something that was</p> <p>12 accurate. And if it was, you know, what would be the response?</p> <p>13 And that response would then be given back to the city council.</p> <p>14 Q. Okay. And do you have any recollection of</p> <p>15 complaints having been made about the quality of police work in</p> <p>16 the Coquille Police Department while you were the city manager?</p> <p>17 A. Yes.</p> <p>18 Q. And do you recall complaints having been made about</p> <p>19 the honesty of officers' conduct during investigations?</p> <p>20 A. No.</p> <p>21 Q. Do you have any memory of complaints being made</p> <p>22 about officers -- well, actually let me just read it to you</p> <p>23 directly so I'm not paraphrasing.</p> <p>24 A. Okay.</p> <p>25 Q. Okay. Actually, let me just back up. If</p>	<p>1 made at city council meetings, who is elected by the council.</p> <p>2 Q. I see. Thank you.</p> <p>3 So do complaints about officers -- that officers</p> <p>4 abuse their power essentially by writing traffic tickets and</p> <p>5 performing arbitrary stops, things like that, does that sound</p> <p>6 like a familiar complaint that was brought to the City of</p> <p>7 Coquille while you were the city manager?</p> <p>8 A. I would -- I would -- I would say yes, that's</p> <p>9 probably accurate.</p> <p>10 Q. Okay. And the City was aware of a group of people</p> <p>11 called The Concerned Citizens of Coquille. Correct?</p> <p>12 A. Correct.</p> <p>13 Q. And The Concerned Citizens of Coquille asked for a</p> <p>14 civilian review board be established. Correct?</p> <p>15 A. I don't recall that, but I remember the concerned</p> <p>16 citizens.</p> <p>17 Q. Okay. What do you remember about the concerned</p> <p>18 citizens?</p> <p>19 A. Just as you described it. It was a group of</p> <p>20 citizens, some in the city, some outside the city, that had</p> <p>21 concerns about traffic stops and things of that nature and</p> <p>22 officer attitudes.</p> <p>23 Q. Okay. Were any steps done to implement any changes</p> <p>24 or in response to the complaints made by The Concerned Citizens</p> <p>25 of Coquille?</p>
<p>Page 39</p>	<p>Page 41</p>
<p>1 complaints were made by citizens about the police department at</p> <p>2 a city council meeting, is that something that -- how would you</p> <p>3 go about discussing that with the mayor, if at all?</p> <p>4 A. I wouldn't necessarily discuss it with the mayor.</p> <p>5 I would discuss it with the city council. If the mayor had a</p> <p>6 particular question -- the city council was pretty responsive</p> <p>7 to the idea that it was the entire city council that acted as</p> <p>8 the governing body, not the mayor, under our form of</p> <p>9 government. So to the extent of which the mayor had a</p> <p>10 question, he would ask the question there at the council</p> <p>11 meeting.</p> <p>12 The response again, as I said before, would either</p> <p>13 result in my going and having conversations with the police</p> <p>14 department and then reporting back to council, if not having</p> <p>15 that matter discussed openly right there at the city council</p> <p>16 meeting with the police chief in attendance.</p> <p>17 Q. Yeah. You said a moment ago something about "our</p> <p>18 form of government." What did you mean by that?</p> <p>19 A. It's a city manager form of government, which means</p> <p>20 the mayor holds ceremonial responsibilities but no</p> <p>21 administrative or directive responsibilities in the</p> <p>22 organization, as opposed to a strong mayor where the mayor is</p> <p>23 the chief executive officer of the city.</p> <p>24 In Coquille the city -- or the city manager is the</p> <p>25 chief executive officer, and the mayor is just a member of the</p>	<p>1 A. At that particular time, we were transitioning from</p> <p>2 Chief Reaves to Chief Dannels, and one of the directives, if</p> <p>3 you will, that I gave Chief Dannels was he needed to do more in</p> <p>4 engaging with the community and doing a better job of</p> <p>5 interfacing police officer responses, tactics, interfacing with</p> <p>6 the community to alleviate some of the perceived concerns that</p> <p>7 the citizens had brought forth.</p> <p>8 Q. And was -- was there any kind of ever former --</p> <p>9 excuse me, formal citizen review or participation in police</p> <p>10 policy-making implemented by the City of Coquille?</p> <p>11 A. No.</p> <p>12 Q. Why not?</p> <p>13 A. City did not feel at the time that one was</p> <p>14 warranted.</p> <p>15 Q. Can you tell me why?</p> <p>16 A. That was a policy decision made by the city</p> <p>17 council. It was a political decision.</p> <p>18 Q. Okay. Anything else you can tell me about that?</p> <p>19 A. No.</p> <p>20 Q. Okay. Between 2000 and 2012, did the City have any</p> <p>21 written policies about how to conduct identification</p> <p>22 procedures?</p> <p>23 A. Clarification, "identification procedures."</p> <p>24 Q. Sure. Sometimes police refer to them as a six-pack</p> <p>25 or a photo array. You put somebody in a lineup, things like --</p>

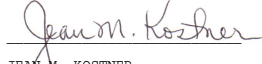
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<p>1 A. No. Not to my knowledge. 2 MR. OWENS: We've been going for about an hour, and 3 I don't expect us to be here all day, but we'll take breaks 4 from time to time. And if at any point you need a break, feel 5 free to ask. 6 I'm going to just take a quick comfort break here. 7 If we can just go off the record for about five minutes and use 8 the bathroom. 9 (Recess taken.) 10 MR. OWENS: We're back on the record. My 11 apologies. 12 BY MR. OWENS: 13 Q. Mr. O'Connor, I just wanted to ask a couple of 14 other questions about more specifically one of the topics. And 15 I can show you the notice, but I know you're familiar with it. 16 It pertains to the death investigation involving Leah Freeman 17 and officers' work and action pursuant to that investigation. 18 You're familiar with that topic? 19 A. Yes. 20 Q. Got it. And am I right that it's the City of 21 Coquille's position that the officers involved in the 22 investigation conformed to the practices and policies, customs 23 of the City of Coquille and their actions? 24 A. Yes. 25 Q. And the -- am I right that it's the City's position</p>	<p>Terence O'Connor June 20, 2024</p> <p>Page 44</p> <p>1 A. Correct. 2 Q. All right. And so the actions that were undertaken 3 by Chief Dannels, Officer Sanborn, others, the City of Coquille 4 has no problem with those actions, even having the opportunity 5 to have reviewed them during the course of responding to this 6 lawsuit. Right? 7 A. Correct. 8 Q. Shifting gears, I know you mentioned something 9 about there's some record retention policies that pertain to 10 some things that have to be purged, some things are kept, 11 et cetera. Does that topic sound familiar? 12 A. Yes. 13 Q. Am I right that the documents generated pursuant to 14 the Leah Freeman death investigation, since it was a homicide 15 investigation, should have been subject to permanent retention? 16 A. Correct. 17 Q. Were Coquille police officers between 2000 and 2012 18 permitted to destroy their handwritten notes? 19 A. I do not believe that there was any requirement for 20 them to keep handwritten notes. 21 Q. If they made handwritten notes, were they required 22 to produce them, or were they permitted to destroy them? 23 A. I do not know. That would be a -- that would be a 24 departmental policy. 25 Q. Okay. So one topic is -- I asked a little bit</p>
<p>Page 43</p> <p>1 that none of the officers who participated in the Leah Freeman 2 death investigation departed from or violated the practices of 3 the Coquille Police Department? 4 A. That's correct. 5 Q. And one of the topics sort of also related to the 6 Leah Freeman death investigation is the allegations made in the 7 complaint in this action. You're familiar with that? 8 A. No. Could you clarify that for me, please. 9 Q. Sure. You are giving a deposition today on behalf 10 of the City of Coquille because a lawsuit has been filed. 11 Right? 12 A. Right. 13 Q. And that lawsuit names some former Coquille Police 14 Department officers and chiefs of police as defendants. 15 Correct? 16 A. Correct. 17 Q. That lawsuit also names the City of Coquille as a 18 defendant in the lawsuit. Correct? 19 A. Correct. 20 Q. And the lawsuit alleges that there has been 21 misconduct committed that caused Mr. McGuffin's wrongful 22 conviction. Correct? 23 A. Correct. 24 Q. And the City denies that it or any of its officers 25 committed any misconduct. Correct?</p>	<p>Page 45</p> <p>1 about citizen complaints -- 2 A. Yes. 3 Q. -- just a few minutes ago. And I know that there's 4 a disciplinary process that exists for complaints that are 5 filed, say, against a patrol officer, and that's investigated 6 by a supervisor, something like that. Right? 7 A. Right. 8 Q. What if the complaint is made against the chief of 9 police himself? How would that have been handled between 2000 10 and 2012 for the City of Coquille Police Department? 11 A. That would have been handled by me as his 12 supervisor. 13 Q. And did you sustain any complaints against Chief 14 Reaves? 15 A. No. 16 Q. Did you sustain any complaints against Chief 17 Dannels? 18 A. No. 19 Q. Did you sustain any complaints against Chief Blue? 20 A. No. 21 Q. Did you ever conduct any internal audits from the 22 city manager side to review citizen complaints made against the 23 police department in your tenure? 24 A. No. Well, let me -- let me rephrase that. As much 25 as that there were complaints made, if they were not</p>

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<p style="text-align: right;">Page 50</p> <p>1 Number 1 again.</p> <p>2 And we've been talking specifically about the death</p> <p>3 of Leah Freeman, which is Topic Number 12. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And I want to go down very slowly because my</p> <p>6 computer doesn't like all of the things I have open, so thanks</p> <p>7 for your patience.</p> <p>8 All right. Do you see Topic Number m. here?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And that says "Whether or not CPD and its</p> <p>11 employees adhered to or complied with all of Coquille's,</p> <p>12 including CPD's, policies, practices, and procedures during</p> <p>13 their involvement in any investigation of the death of Leah</p> <p>14 Freeman, investigation of Nicholas McGuffin, and the</p> <p>15 prosecution of Nicholas McGuffin." Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And I asked you earlier about the Leah Freeman</p> <p>18 aspect of this, but I didn't mention Nicholas McGuffin. And so</p> <p>19 I'm going to do that now. Okay?</p> <p>20 A. Okay.</p> <p>21 Q. It's the City's testimony that the CPD and all of</p> <p>22 the employees adhered to and complied with Coquille policies</p> <p>23 and practices as it pertains to the investigation of Nicholas</p> <p>24 McGuffin and his prosecution specifically. Correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 52</p> <p>1 Coquille's, including CPD's, engagement and collaboration with</p> <p>2 ABC News to publicize information about the investigation of</p> <p>3 Nicholas McGuffin and the death of Leah Freeman. Do you see</p> <p>4 that?</p> <p>5 A. Yes, I do.</p> <p>6 Q. All right. Can you provide any testimony about the</p> <p>7 decision-making process and basis for Coquille's decision to</p> <p>8 engage and collaborate with ABC News?</p> <p>9 A. My recollection of that event was that ABC News</p> <p>10 contacted Chief Dannels with a request to come to Coquille and</p> <p>11 do a story, and that Chief Dannels conferred with DA Frasier to</p> <p>12 clear that aspect, that it was not going to jeopardize</p> <p>13 anything. And as a result of DA Frasier not having any</p> <p>14 objections and Chief Dannels not having any objections, ABC</p> <p>15 News was told that they could come to Coquille.</p> <p>16 Q. Got it. And I guess what I'm wondering is the</p> <p>17 decision to become participat- -- to have Coquille officers and</p> <p>18 the chief of police participate in the ABC investigation, is</p> <p>19 that something that was within the policy-making and decision</p> <p>20 authority of Chief Daniel -- Dannels, excuse me?</p> <p>21 A. Yes.</p> <p>22 MS. SAWYER: Object to form.</p> <p>23 Could you -- could you reread the question back?</p> <p>24 COURT REPORTER: Sure.</p> <p>25 (Reporter read back last question.)</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. And it's the City's testimony, even today, years</p> <p>2 after this lawsuit has been initiated and years after the</p> <p>3 charges against Mr. McGuffin have been dismissed, that no</p> <p>4 employee did anything that violated his constitutional rights</p> <p>5 or departed from Coquille practice. Correct?</p> <p>6 A. Correct.</p> <p>7 Q. All right. Topic Number 13 pertains to the</p> <p>8 engagement and reliance upon Richard Walter, Mark McLish, and</p> <p>9 the Vidocq Society during the investigation and prosecution of</p> <p>10 Nicholas McGuffin. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. All right. Now, some of -- there are several</p> <p>13 topics -- subtopics here, and based upon the testimony that</p> <p>14 you've given me today so far, I'm going to try to cut to the</p> <p>15 chase. Is there any additional testimony that you can provide</p> <p>16 to me other than that which has already been provided in</p> <p>17 designations about the engagement and reliance upon Richard</p> <p>18 Walter, Mark McLish, or the Vidocq Society by the City of</p> <p>19 Coquille Police Department?</p> <p>20 A. That's correct.</p> <p>21 Q. All right. So let me just ask a better question.</p> <p>22 Am I right that you don't have any additional testimony that</p> <p>23 you can provide about this topic?</p> <p>24 A. Correct.</p> <p>25 Q. All right. Now, Topic Number 14 pertains to</p>	<p style="text-align: right;">Page 53</p> <p>1 MS. SAWYER: Thank you.</p> <p>2 BY MR. OWENS:</p> <p>3 Q. All right. Did you have any involvement in a</p> <p>4 dispute between Chief Blue's complaints about Officer McNeely?</p> <p>5 A. Yes.</p> <p>6 Q. What was your involvement?</p> <p>7 MS. HENDERSON: Just to interject, can we stipulate</p> <p>8 that this is under protective order, the employment stuff? I</p> <p>9 believe we've done it all under protective order -- and we're</p> <p>10 going to answer -- in previous depositions.</p> <p>11 MR. OWENS: Sure.</p> <p>12 MS. HENDERSON: Thanks.</p> <p>13 Go ahead.</p> <p>14 THE WITNESS: Should I answer?</p> <p>15 MS. HENDERSON: Yeah, you can answer.</p> <p>16 A. It was personnel actions, so the city manager was</p> <p>17 required by city policy to conduct a hearing.</p> <p>18 BY MR. OWENS:</p> <p>19 Q. Okay. Was that a public hearing?</p> <p>20 A. No. A personnel matter.</p> <p>21 Q. Got it. What was the result of the hearing?</p> <p>22 A. The result of the hearing was that I found that</p> <p>23 Officer McNeely did in fact violate policies and procedures of</p> <p>24 the department and the City and that disciplinary action should</p> <p>25 be implemented.</p>

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<p>Page 58</p> <p>1 evidence from Richard Walter in their investigation of the</p> <p>2 case?</p> <p>3 A. Any evidence?</p> <p>4 Q. Yes.</p> <p>5 A. No.</p> <p>6 Q. To your knowledge from those briefings, did the</p> <p>7 City of Coquille provide or give to Mr. Walter any evidence?</p> <p>8 Did he have -- in other words -- let me rephrase.</p> <p>9 Did Mr. Walter ever have in his custody or control</p> <p>10 any evidence given to him by the City of Coquille related to</p> <p>11 the investigation?</p> <p>12 MR. OWENS: Objection; form and foundation.</p> <p>13 BY MS. COFFIN:</p> <p>14 Q. Okay. Let me ask it a different way. Did</p> <p>15 Mr. Walter, to your memory, ever participate in any of those</p> <p>16 briefings?</p> <p>17 A. Not with me.</p> <p>18 Q. Was it your impression that he was one of the</p> <p>19 people investigating the case along with police officers?</p> <p>20 MR. OWENS: Objection to the form of the question</p> <p>21 and foundation.</p> <p>22 THE WITNESS: So does that mean I answer or not?</p> <p>23 MS. HENDERSON: Yes, you can answer. Yes.</p> <p>24 MR. OWENS: Yes, I'm sorry.</p> <p>25 THE WITNESS: I'm sorry. Now I'm lost again.</p>	<p>Page 60</p> <p>1 sense of, you know, here's Exhibit A in the courtroom, you</p> <p>2 know, and your chain of custody, none of that was violated.</p> <p>3 BY MS. COFFIN:</p> <p>4 Q. Thank you. And to your knowledge, did the City</p> <p>5 have any contract with Richard Walter?</p> <p>6 A. No.</p> <p>7 Q. Did the City, to your knowledge, have any contract</p> <p>8 with the Vidocq Society?</p> <p>9 A. No.</p> <p>10 MS. COFFIN: Those are -- those are all of my</p> <p>11 questions.</p> <p>12 THE WITNESS: Yes, ma'am.</p> <p>13 MS. COFFIN: Thank you.</p> <p>14 MR. MARSHALL: We will reserve our questions for</p> <p>15 the time of trial. Thank you.</p> <p>16 MR. OWENS: I think we're done.</p> <p>17</p> <p>18 (WHEREUPON, the deposition ended at the hour</p> <p>19 of 11:54 a.m.)</p> <p>20</p> <p>21 -oOo-</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 59</p> <p>1 Sorry.</p> <p>2 MR. OWENS: That's all right.</p> <p>3 A. He never participated in any meetings with any of</p> <p>4 those briefings. And let me clarify what those briefings were.</p> <p>5 Those briefings were typically either at a staff meeting where</p> <p>6 we generally had all department heads that got together to just</p> <p>7 talk about the operational issues that we saw coming for the</p> <p>8 oncoming week or issues that arose that we needed to come</p> <p>9 together to think about how we were going to respond to.</p> <p>10 They were not detailed operational briefings, like</p> <p>11 you would see in a movie or something. There's no charts.</p> <p>12 There's no -- there's no pointers. There's -- it's just a</p> <p>13 verbal communication to me, as the chief executive officer, to</p> <p>14 keep me apprised of where things were and how things were</p> <p>15 progressing. It wasn't the detail work. It wasn't getting</p> <p>16 involved in the operational aspects, so to speak, of any</p> <p>17 department.</p> <p>18 So with respect to the question about the Vidocq</p> <p>19 Society, it would have been a conversation of, you know, these</p> <p>20 guys -- these guys approached us and, you know, we've done some</p> <p>21 background work in seeing what they've done elsewhere in the</p> <p>22 country, so let's participate with them, and, you know, it's a</p> <p>23 cold case; let's see what maybe some fresh eyes could do.</p> <p>24 Was evidence transferred? No. Was documentation?</p> <p>25 I'm supposing that it was. But certainly not evidence in the</p>	<p>Page 61</p> <p>1 STATE OF OREGON )</p> <p>2 ) ss. C E R T I F I C A T E</p> <p>3 County of Douglas )</p> <p>4</p> <p>5 I, JEAN M. KOSTNER, Certified Shorthand Reporter for the</p> <p>6 state of Oregon, do hereby certify that:</p> <p>7 Pursuant to Notice, TERENCE O'CONNOR appeared remotely</p> <p>8 before me via Zoom videoconference at the time and place set</p> <p>9 forth in the caption hereof;</p> <p>10 That, at said time and place, I reported in stenotype</p> <p>11 all testimony adduced and oral proceedings had in the foregoing</p> <p>12 matter, to the best of my ability;</p> <p>13 That, thereafter, my notes were reduced to typewriting,</p> <p>14 and that the foregoing transcript, pages 1 through 60, both</p> <p>15 inclusive, constitutes a full, true, and correct transcript of</p> <p>16 all such testimony adduced and oral proceedings had and of the</p> <p>17 whole thereof.</p> <p>18 IN WITNESS WHEREOF, I have hereunto set my hand and CSR</p> <p>19 stamp this 15th day of August, 2024, in the City of Roseburg,</p> <p>20 County of Douglas, State of Oregon.</p> <p>21</p> <p>22 </p> <p>23 JEAN M. KOSTNER</p> <p>24 Certified Court Reporter</p> <p>25 CSR No. 90-0051</p>